

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

State Attorneys General Litigation

HON. CYNTHIA M. RUFÉ

ORDER

AND NOW, this 27th day of September 2022, upon consideration of the attached Joint Stipulation on the Resolution between Plaintiff State of Kansas and Defendants regarding the 12th Report and Recommendation, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL NO. 2754
16-MD-2724
HON. CYNTHIA M. RUFE

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**JOINT STIPULATION ON THE RESOLUTION BETWEEN PLAINTIFF STATE OF
KANSAS AND DEFENDANTS REGARDING DEFENDANTS' REQUEST FOR
PRODUCTION NO. 68 AND THE 12TH REPORT AND RECOMMENDATION**

WHEREAS, on April 12, 2022, Special Master David Marion issued his Twelfth Report and Recommendation as to the States' Motion for Protective Order (Re RFP 68) (ECF No. 2050) ("12th R&R");

WHEREAS, on May 10, 2022, the State of Kansas ("Kansas") joined Certain States' Objection to Special Master David Marion's 12th R&R (ECF No. 2088);

WHEREAS, the Plaintiff State of Kansas and the Defendants have met and conferred to resolve the issues underlying the 12th R&R.

It is hereby stipulated and agreed, by the undersigned counsel, that Kansas will satisfy Defendants' Request for Production No. 68 by facilitating the search and production of any non-privileged reports, analyses, or studies (including any drafts and underlying data or documents that relate to such reports, analyses, or studies), to the extent such documents have not already been produced in discovery, relating to the price or supply of generic pharmaceutical products that meet one or more of the following conditions:

(1) Materials possessed and/or created by or for the Kansas Office of the Attorney

General;

(2) Materials possessed and/or created by the Kansas Department of Health and

Environment, except for materials protected by the Health Insurance Portability and Accountability Act (HIPAA); and

(3) Materials possessed and/or created by the Kansas Department of Administration, State Employee Health Plan except for materials protected by the Health Insurance Portability and Accountability Act (HIPAA).

Kansas has asked the Kansas Department for Aging and Disability Services and the University of Kansas Medical Center to voluntarily search for and produce reports, analyses, or studies relating to the price or supply of generic pharmaceutical products, except for materials protected by the Health Insurance Portability and Accountability Act (HIPAA), and will attempt in good faith to facilitate these agencies' voluntary cooperation to the extent that any search is proportional to needs of the litigation and not detrimental to the operation of any public health services offered by the agencies.

"Reports, analyses, or studies" shall not include regularly submitted or special reports of pricing data submitted by an agency's Pharmacy Benefits Manager or similar contractor that were not requested for, provided for, or pursuant to, a study or analysis of the generic drugs market specifically.

For any agency identified in this stipulation, other than the Kansas Office of the Attorney General, the Kansas Office of the Attorney General shall facilitate search and production of documents from such agency. Following any such facilitated production, Defendants agree to seek

any further production from the identified agencies in response to Defendant's Request for Production No. 68 through subpoenas consistent with Rule 45 of the Federal Rules of Civil Procedure.

Kansas's search for materials possessed by the Kansas Office of Attorney General will be proportional to the likelihood that any particular section will have responsive materials and limited to non-criminal sections.

Other than as set forth above, Kansas will not search for or produce documents possessed by any other governmental agency or entity in Kansas in response to RFP 68.

All documents collected and produced by Kansas in response to RFP 68 shall be treated as targeted documents (also referred to as "go-gets") as defined by Section 4 of PTO 105.

This Stipulation is intended to resolve the parties' dispute without addressing the merits of the States' Motion for Protective Order relating to RFP 68.

Pursuant to this stipulation, Kansas withdraws its May 10, 2022 objection to the 12th R&R as to States' Motion for Protective Order relating to RFP 68. This Stipulation resolves the States' Motion for Protective Order relating to RFP 68 as it applies to Kansas and, with respect only to Kansas, supersedes any order applicable to the Plaintiff States, generally, that might result from objections to the 12th R&R.

IT IS SO STIPULATED

Dated: September 19, 2022

/s/ Chris Teters

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Respectfully Submitted,

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